

ORIGINAL

OPEN MEETING AGENDA IIE



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BEFORE THE ARIZONA CORPORATION COMMISSION Corporation Commission

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COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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AZ CORP COMMISSION
DOCKET CONTROL

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In the matter of
DIAMOND BAY INVESTMENTS, INC.
JONATHAN JORDAN WIRSZ,
Respondents

DOCKET NO. S-20578A-08-0079

PROCEDURAL ORDER
GRANTING TEMPORARY
ADMISSION PRO HAC VICE

BY THE COMMISSION:

On February 21, 2008, pursuant to Arizona Supreme Court Rule 38(a), Nicole K. Serfoss and Randall J. Fons, on behalf of Diamond Bay Investments, Inc. and Jonathan Jordan Wirsz, sent a letter to the Arizona Corporation Commission ("Commission") requesting temporary admission *pro hac vice* in the above-captioned matter ("Request"). The Request listed Jack Londen as the designated member of the Arizona State Bar ("State Bar") with whom communication can be made and upon whom papers shall be served. On February 27, 2008, Mr. Londen's Motion and Consent of Local Counsel for Temporary Pro Hac Vice Admission of Randall J. Fons and Nicole K. Serfoss was docketed ("Motion"). Mr. Londen agreed to serve as designated local counsel for the above-captioned matter.

According to the Request, Ms. Serfoss and Mr. Fons desire to appear on behalf of their clients, Diamond Bay Investments, Inc. and Jonathan Jordan Wirsz, at the Commission Open Meeting scheduled for Thursday, February 28, 2008. The Request included a copy of each attorney's verified application for *pro hac vice* filed with the State Bar of Arizona; a copy of each attorney's certificate(s) of good standing from the state(s) in which the attorney has been admitted to practice law; and a copy of each attorney's payment of the application fee to the State Bar of Arizona.

No objections to the Request or Motion have been made.

...

1 Accordingly, for good cause shown and pursuant to Rule 38(a)3, the request for temporary
2 admission *pro hac vice* admission is reasonable and should be granted, provided that the completion
3 of the application procedures occurs within 45 days of this procedural order.

4 IT IS THEREFORE ORDERED that the request for temporary admission *pro hac vice* of
5 Nicole K. Serfoss and Randall J. Fons to appear before the Commission is hereby granted.

6 IT IS FURTHER ORDERED that Nicole K. Serfoss and Randall J. Fons' address for service
7 of papers and other communication shall be:

8 Morrison & Foerster LLP
9 370 17th Street, Suite 5200
10 Denver, CO 80202-5638

11 IT IS FURTHER ORDERED that address for service of papers and other communication for
12 the Arizona-licensed attorney designated as Jack W. Londen, shall be:

13 Morrison & Foerster LLP
14 425 Market Street
15 San Francisco, CA 94105-2482

16 IT IS FURTHER ORDERED that Nicole K. Serfoss and Randall J. Fons shall complete the
17 application procedures within 45 days of the date of this procedural order.

18 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
19 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
20 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
21 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
22 matter is scheduled for discussion, unless counsel has previously been granted permission to
23 withdraw by the Administrative Law Judge.

24 DATED this 27th day of February, 2008.

25 
26 LYN FARMER
27 CHIEF ADMINISTRATIVE LAW JUDGE
28


1 Copies of the foregoing mailed/delivered
2 this 27th day of February, 2008 to:

3 Nicole K. Serfoss
4 Randall J. Fons
5 MORRISON & FOERSTER LLP
6 370 17th Street, Suite 5200
7 Denver, Colorado 80202-5638
8 (Fax 303-592-1510)

6 Jack W. Londen,
7 MORRISON & FOERSTER LLP
8 425 Market Street
9 San Francisco, CA 94105-2482

9 Matt Neubert, Director
10 Securities Division
11 ARIZONA CORPORATION COMMISSION
12 1300 West Washington Street
13 Phoenix, Arizona 85007

14 By:


15 Debra Broyles
16 Secretary to Lyn Farmer
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